

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA

v.

ALEXANDER BURNHAM

Docket No. 2:20-cr-61-GZS

PROSECUTION VERSION

If this case were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt with respect to Count One and Count Two of the Information:

On April 7, 2020, officers from Westbrook Police Department responded to calls for shots fired. Eyewitnesses stated they observed a black Infinity G35 pull up to the location and park. They further stated they subsequently heard what they believed to be gunshots and then observed a male hopping on the sidewalk and enter back into the vehicle.

Officers learned that a vehicle matching the description was located at Brighton Medical Center in Portland, where a male victim arrived with a gunshot wound. Officers arrived to Brighton Medical Center and observed a black Infiniti G35 with a large amount of blood pooled in the passenger side floorboard of the vehicle. Officers approached Person A, who had been driving the defendant that evening, and read Person A *Miranda* warnings. Upon waiving *Miranda*, Person A admitted that upon exiting the vehicle with the defendant, Person A heard a loud bang and observed the defendant to be shot. Person A further advised that the defendant accidentally shot himself with a gun the defendant owned and the defendant discarded the firearm out the window while Person A was driving the defendant to Brighton Medical Center.

Person A assisted officers in recovering the firearm, a Smith and Wesson M&P Shield 9mm semi-automatic firearm, from the location where it was discarded by the defendant.

The next day, on April 8, 2020, Person A returned to Westbrook Police Department and provided additional information in regards to drugs that the defendant discarded out the window of Person A's vehicle. Person A, brought officers to the location of where the drugs were discarded and several bags of drugs were recovered, including a bag containing what appeared to be cocaine base. Both the firearm and knot of the bag of alleged cocaine base were swabbed for potential DNA. An oral swab was taken from the defendant. A laboratory confirmed that the DNA on the Smith & Wesson 9mm and DNA located on the knot of the bag containing alleged cocaine base matched that of the defendant.

A laboratory confirmed the seized drug contained cocaine base. A trained and experienced law enforcement officer would testify that the seized quantity of cocaine base is consistent with further distribution and inconsistent with personal use. Furthermore, an ATF Interstate Nexus Expert examined the Smith and Wesson 9mm handgun and determined it was manufactured and originally purchased outside of Maine, and therefore traveled in or affected interstate and/or foreign commerce.

Lastly, the defendant is aware that he is a felon and is prohibited from possessing firearms. In reviewing the defendant's criminal history, the defendant has convictions for Reckless Conduct with a Dangerous Weapon, a Class C felony from the state of Maine, Docket number CUMCD-CR-2017-03967, sentenced on May 11, 2018; Robbery, a Class A felony from the state of Maine, Docket number CUMCD-CR-2018-00515, sentenced on May 11, 2018; and a Burglary, a Class B felony from the state of Maine, Docket number CUMCD-CR-2017-04493, sentenced on October 5, 2017.

Dated at Portland, Maine this 21st day of September, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2020, I filed the foregoing Prosecution Version with the clerk, which will cause a copy to be sent to all counsel of record.

/s/Meghan E. Connelly
Assistant U.S. Attorney